

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Liberte Capital Group, et al.,

Case No. 5:99-cv-818

Plaintiffs

v.

MEMORANDUM OPINION
AND ORDER

James A. Capwill, et al.,

Defendants

This matter is before me on the unopposed motion of Class Counsel to substitute Arnold Adler as class representative for the Alpha Capital Investors. Previously, this Court appointed Frederick H. Stierheim as class representative for the Alpha Capital Group Class. (Doc. No. 2236).

As noted by Class Counsel, Fed. R. Civ. P. 23(c)(1) allows the Court to amend previous orders prior to a decision on the merits. *See In re Electronics Pacing Systems, Inc.*, 172 F.R.D. 271, 283 (S.D. Ohio 1997) (citations omitted).

Class Counsel has personally vetted Mr. Adler and finds him qualified to assume the responsibilities as class representative for the Alpha Capital Group Investors. Counsel requests the appointment be made retroactive to November 6, 2017 as that is the date this Court authorized Class Counsel to meet with Mr. Adler to confirm his willingness to serve as class representative.

As I find the interests of the Alpha Class will be served by this substitution, the motion to substitute the class representative for the Alpha Capital Group Investors (Doc. No. 3050) is granted.

Arnold Adler is substituted for Frederick H. Stierheim as the Alpha Class Representative. This substitution is effective retroactive to November 6, 2017.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge